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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/452,285	11/30/1999	BRIAN LO BUE	CISCO-1515	1104

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EXAMINER
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DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/452,285

Applicant(s)

BUE ET AL.

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 9-24, 26, 30-32 and 52-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-24, 26, 30-32 and 52-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is in response to the Amendment filed on 3/11/2003 (paper #10). Claims 5-8, 25, 27-29 and 33-51 are canceled. Claims 1-4, 9-24, 26, 30-32 and new claims 52-62 are presented for examination.

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 9 is rejected under 35 U.S.C. 102(e) as being anticipated by Farber et al US pat. No.6,185,598.

As to claims 9, Farber discloses a local server for maintaining a call-in user to a data communications network, the network including a backup server and a network access server (NAS) coupling the call to the network, the NAS having a memory associated with the NAS, said local server comprising:

an encoder for generating an information packet associated with the call, information packet containing call information for maintaining connection of the call to the local server (i.e., in response to clients' request from the origin server, see abstract, fig. 1, col.4 line 14 to col.6 line 65).

and a sender for transmitting the information packet from the encoder to the memory, the information packet being stored in the memory to be available to the backup server if the local server fails (see col.7 line 3 to col.8 line 49).

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-4, 10-24, 26, 30-32 and 52-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farber et al US pat. No.6,185,598 in view of Arnon et al US pat. No.6,242,999.

As to claim 1, Farber discloses a backup server for maintaining a call-in user to a data communications network, the network including a backup server and a network access server (NAS) coupling the call to the network, the NAS having a memory associated with the NAS, said local server comprising

receiving from the associated memory an information packet associated with a call, wherein the information packet containing call information for maintaining connection of the call to the local server (i.e., in response to clients' request from the origin server, see abstract, fig. 1, co1.4 line 14 to co1.6 line 65).

a parser for reconstructing the call information data from said information data from the said information data packet, whereby the server maintains the call to the network (see col.9 line 1 to col.10 line 59 and col.11 line 4 to col.12 line 67).

Farber does not specifically disclose an information packet requester receiver responsive to the local failure. However, Amon discloses a backup server system (14 fig. 1) for an information packet requester receiver responsive to the local failure (i.e., initiating the backup operations to restore information or in the event of failure of the mass storage system, see abstract, fig.1, col.1 lines 15-41, col.2 line 38 to col.4 line 28 and col.7 line 8 to col.8 line 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a backup server to restore information in the computer system of Farber because it would have been transferred data information efficiently to be restored from a backup subsystem in which information is back up to a mass storage subsystem during a restored operation.

As to claims 2 and 3, Farber discloses the call information including server attribute having an attribute/value pair that can be parsed into a plurality of separate data entries and a plurality of aggregated data elements from a call attribute table (see col.9 line 1 to col.10 line 59 and col.15 line 5 to col.12 line 51).

As to claim 4, Farber discloses plurality of aggregated data elements of said information packet are separated by said parser for reconstructing said plurality of SSA information data from said information packet (see col.11 line 5 to col.12 line 54).

Claims 10-12 are rejected for the same reasons set forth in claims 2-4 respectively.

As to claims 13 and 17, Farber discloses a local server for maintaining a call-in user to a data communications network, the network including a backup server and a network access server (NAS) coupling the call to the network, the NAS having a memory associated with the NAS, said local server comprising:

A memory (12's fig.1) associated with the NAS.

an encoder for generating an information packet associated with the call, information packet containing call information for maintaining connection of the call to the local server (i.e., in response to clients' request from the origin server, see abstract, fig. 1, co1.4 line 14 to col.6 line 65).

and a sender for transmitting the information packet from the encoder to the memory, the information packet being stored in the memory to be available to the backup server if the local server fails (see col.7 line 3 to co1.8 line 49).

a call coupler associated with the NAS for coupling the call to the local server if the local server does not fail, and for coupling to the backup server if the local server fails (see col.8 line 50 to col.9 line 65).

and wherein said second server including: an information packet requester (client's requests) for requesting the information packet from the memory in response to the call received from the NAS, if the call information is not available to the second server; and a parser for reconstructing the call information from said information packet

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(using to reflector 108 of fig.1 to take control of the original server in the case the server fails, see col.9 line 44 to col.10 line 58).

Farber does not specifically disclose a failure detector. However, Amon discloses a backup server system (14 fig. 1) for an information packet requester receiver responsive to the local failure (i.e., initiating the backup operations to restore information or in the event of failure of the mass storage system, see abstract, fig.1, col.1 lines 15-41, col.2 line 38 to col.4 line 28 and col.7 line 8 to col.8 line 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a failure detector to restore information in the computer system of Farber because it would have been transferred data information efficiently to be restored from a backup subsystem in which information is back up to a mass storage subsystem during a restored operation.

Claims 14-16 are rejected for the same reasons set forth in claims 2-4 respectively.

Claims 18 and 19 are rejected for the same reasons set forth in claims 2 and 3 respectively.

Claim 20 is rejected for the same reasons set forth in claim 13. As to the added limitations, Farber discloses a backup server (108 fig.1) connected to the network to service the call (see col.5 line 3 to col.6 line 36).

Claims 21-23 are rejected for the same reasons set forth in claims 2-4 respectively.



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As to claim 24, Farber discloses that the server is a resource pool manager server (RPMS) (i.e., using the reflector 108 fig.1 to processing requests from servers, see fig.1, col.7 line 27 to col.8 line 53 and col.10 lines 13-67).

Claim 26 is rejected for the same reasons set forth in claim 2.

As to claim 30, Farber discloses a server backup system for maintaining an ongoing call placed by a call-in user to a network, the network and a failure detector connected to the network for determining whether said server access failure has occurred, said memory and said failure detector both associated with a network access server (NAS) that is connected to said network, said system comprising:

a first server (102 fig.1) connected to the network for servicing the call (request from client, see col.4 lines 14-48), a second server (108 fig.1) connected to the network for servicing the call (using call-in module, see col.4 lines 38-63) if the first server fails, a network access server (NAS) for coupling the call from the user (client 106 fig.1) to said first server, and coupling the call to said second server if the first server fails (see abstract, fig.1, col.4 line 64 to col.6 line 35), said NAS including a memory associated therewith, wherein said first server including:

an encoder (104b fig.1) for generating an information packet, the information packet containing call information for maintaining connection of the call to the first server; and a sender (104m fig.1) for transmitting the information packet from said encoder to the memory associated with the NAS, the memory storing the information packet (see col.5 line 3 to col.6 line 65 and col.7 lines 25-55).

and wherein said second server including: an information packet requester (client's requests) for requesting the information packet from the memory in response to the call received from the NAS, if the call information is not available to the second server; and a parser for reconstructing the call information from said information packet (using to reflector 108 of fig.1 to take control of the original server in the case the server fails, see col.9 line 1 to col.10 line 58).

Farber does not specifically disclose a failure detector. However, Amon discloses a backup server system (14 fig. 1) for an information packet requester receiver responsive to the local failure (i.e., initiating the backup operations to restore information or in the event of failure of the mass storage system, see abstract, fig.1, col.1 lines 15-41, col.2 line 38 to col.4 line 28 and col.7 line 8 to col.8 line 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a failure detector to restore information in the computer system of Farber because it would have been transferred data information efficiently to be restored from a backup subsystem in which information is back up to a mass storage subsystem during a restored operation.

As to claim 31, Amon discloses a data caller responsive to the failure detector for detecting the failure of the second server (see col.3 line 31 to col.5 line 65 and col.6 line 37 to col.7 line 56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Amon's teachings into the computer system of Farber because it would have been transferred data information efficiently to be

restored from a backup subsystem in which information is back up to a mass storage subsystem during a restored operation.

As to claim 32, Farber discloses that the server is a resource pool manager server (RPMS) and a backup EPMS server (i.e., using the reflector 108 fig.1 to processing requests from servers, see fig.1, col.7 line 27 to col.8 line 53 and col.10 lines 13-67).

As to claim 52, Farber discloses said sender transmits the information packet in response to a request from the backup server.

As to claims 53 and 62, Farber discloses a method for maintaining an ongoing call placed by a call-in user to a network, the network including a first server for servicing the call, a network access server (NAS) for coupling the call from the user to the server, a memory associated with the NAS, and a second server capable of servicing the call, comprising:

generating, at the first server (102 fig.1), an information packet (request) associated with the call, the information packet containing call information for maintaining connection of the call to the local server fails (see abstract, fig.1, col.4 line 64 to col.6 line 35); transmitting the information packet from the first server to the memory associated with the NAS, the memory storing the information packet; coupling the call placed by the user from the NAS to the second server if the first server fails (see col.5 line 3 to col.6 line 65 and col.7 lines 25-55).

transmitting the information packet from the memory associated with the NAS to the second server (108 fig.1) and reconstructing the call information from the

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information packet at the second server (using to reflector 108 of fig.1 to take control of the original server in the case the server fails, see col.9 line 1 to col.10 line 58).

Farber does not specifically disclose a servicing the call without disconnecting the user from the network. However, Amon discloses a backup server system (14 fig. 1) for an information packet requester receiver responsive to the local failure (i.e., initiating the backup operations to restore information or in the event of failure of the mass storage system, see abstract, fig.1, col.1 lines 15-41, col.2 line 38 to col.4 line 28 and col.7 line 8 to col.8 line 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Arnon's teachings to process data information in the computer system of Farber because it would have been transferred data information efficiently to be restored from a backup subsystem in which information is back up to a mass storage subsystem during a restored operation.

As to claims 54 and 55, Amon further discloses a detector for detecting the failure of the first server and issuing, at the second server, a request for the information packet in response to the call received from the NAS upon the failure of the first server (see col.3 line 31 to col.5 line 65 and col.6 line 37 to col.7 line 56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Amon's teachings into the computer system of Farber because it would have been transferred data information efficiently to be restored from a backup subsystem in which information is back up to a mass storage subsystem during a restored operation.

As to claim 56, Farber further discloses the information packet is transmitted from the memory to the second server in response to the request from the second server (see col.9 line 1 to col.10 line 59 and ol.13 lines 16-55).

As to claims 57 and 58, Farber discloses the information packet is transmitted from the memory to the second server only if the call information is not available to the second server and a server-state attribute data having an attribute/value pair that can be parsed into a plurality of separate data entries (see col.19 line 21 to col.20 line 54 and col.21 lines 21-67).

As to claim 59, Farber discloses the information packet further includes a plurality of aggregated data elements from a call attribute table (see col.23 line 13 to col.24 line 67).

As to claim 60, Farber discloses the plurality of aggregated data elements of the information packet are separated by said parser from said information packet (see col.19 line 21 to col.20 line 54 and col.21 lines 21-67).

Claim 61 is rejected for the same reasons set forth in claim 24.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-4, 9-24, 26, 30-32 and 52-62 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

7. Claims 1-4, 9-24, 26, 30-32 and 52-62 are rejected.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703)

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308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh, can be reached on (703) 305-9648. The fax phone numbers for this group are:


After Final: (703) 746-7238

Official: (703) 746-7239

Non-Official/ Draft: (703) 746-7240

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U.S. C. Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

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Patent  
Art Unit 2155  
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